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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,474	10/30/2000	Dennis J. Riga	TPP 30837A	6613

7590 07/21/2004

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EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/698,474	RIGA, DENNIS J.
	Examiner	Art Unit
	Pierre E. Elisca	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 April 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office action is in response to Applicant's Response, filed on 4/23/2004.
2. Claims 1-20 are presented for examination.
3. The rejection to claims 1-20 under 35 U.S.C. 103 (a) as being unpatentable over Salatin in view of Official notice as set forth in the Office action is maintained.

***Claim Rejections - 35 USC § 103 (a)***

4. **The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:**

**(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

5. **Claims 1-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Salatin et al. (U.S. Pat. No. 6,073,320) in view of Official Notice.**

**As per claims 1 and 3-20 Salatin discloses a casket display structure that has a floor-supported casket support adapted to support and display (which is equivalent to**

Applicant's claimed invention wherein it is stated that a method of merchandising both death care products and death care related products), the method comprising the steps: providing a plurality of caskets (see., abstract, col 1, lines 11-45, col 2, lines 22-39, figs 1 and 2); displaying in at least one of the death care merchandise selected from the group consisting of caskets and coffins, miniatures thereof or sectional portions thereof (see., abstract, col 2, lines 23-65); and displaying in at least one of death care related merchandise selected from the group consisting of printed materials, videotape or film, CD, DVD, videotape, keepsakes and floral arrangements (see., abstract, Figs 1 and 2, col 2, lines 23-65, col 4, lines 8-49). Applicant should duly note that the death care merchandise of Salatin is a floral arrangement, see., Figs 1 and 2). It is to be noted that Salatin fails to include a module (s) or computer (s) or processor (s) in the slat wall death care merchandise display unit. However, Examiner hereby takes Official notice that module or computer or processor is well-known in the art, and therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a module or computer or processor into the casket display structure of Salatin because this would automatically display death care merchandise in funeral product stores.

**As per claim 2, Salatin** discloses the claimed method, wherein the printed matter includes cards, stationery, books, pamphlets and literature (see., Figs 1 and 2,

col 2, 12-67, please note that the slat death care merchandise of capable of displaying CD, DVD, books, pamphlets, cards, literature).

### **RESPONSE TO ARGUMENTS**

6. Applicant's arguments filed on 04/23/2004 have been fully considered but they are not persuasive.

### **REMARKS**

7. In response to Applicant's arguments, Applicant argues that:

a. The Examiner takes "Official Notice" that module or computer or processor is well-known in the art. Whereas the modules of Applicant's claimed invention are not computers or processors which would automatically display death care merchandise in funeral product stores as the Examiner suggests BUT are interchangeable display components. However, the Examiner respectfully disagrees since Applicant's claimed invention recited a plurality of similar modules, and therefore, the Examiner interprets Applicant's claimed "modules" as a computer or processor or module. Furthermore, Applicant's claimed invention do not recite modules for interchangeable display components.

b. " Salatin's refrence does not include a cabinet. As indicated above, it is believed that Salatin discloses a cabinet (see., figs2 and 5).

c. " angular bracket". This limitation is also disclosed by Salatin in col 5, lines 10-19, specifically see., fig 2A, items 120 and 140.

***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary patent Examiner

July 19, 2004